

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Margaret Sloan

Serial No.: 10/762,631

Filed: 1/21/2004

Docket #: 115.01NP

Group Art Unit: 3643

Title: Shelter for Small Animals and Pets

Examiner: Kimberly S. Smith

Response to Notice of Non-Compliant Amendment

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Honorable Sir:

This response is to correct the error of the Office in Issuing the Notice of a Non-Compliant Amendment dated 4/27/2006.

My review of the IFW on PAIR shows that the 3 drawing sheets that are accused by the Office of being non-compliant, for failing to have been marked as "Replacement Sheet", **are in fact portions of the foreign art reference that was submitted with an IDS in the RCE.** Clearly, the Office (on initial examination and scanning of the RCE and amendment) confused or missed up the ordered pages I sent.

It should be noted that as my amendment does not contain any request to admit drawings it could not be non-compliant.

Appropriate correction of the IFW and withdrawal of the Notice of Non-Compliance is requested so that prosecution on the merits can continue. Accordingly, the IFW should be corrected to remove the three drawings sheets submitted with the amendment, which should now be added to the single foreign prior art document submitted with the IDS. I am very disappointed that, despite my three prior phone calls and messages pointing out this blatant mistake by the Office, this response is still required.

Respectfully submitted:

By: /Edward_S_Sherman/ on 5/10/2006

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